



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

AUGUST 19, 2019

9:30

Calendar No. 19-170:

1328 W. 61 Street

Ward 15

Matt Zone

12 Notices

Rebecca Phillipson, owner, and Michelle Verbic, prospective purchaser, proposes to construct a new single family dwelling with a detached garage on a 4,200 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that an accessory building shall be located a minimum of 18" from all property lines. Distance to property line measured from edge of gutter to property line is approximately 2"
2. Section 357.09 which states that no interior side yard shall be less than three feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than six feet. Proposed residence distance to the property line is approximately 9 inches. (Filed July 10, 2019)

9:30

Calendar No. 19-173:

10206 Ostend Ave.

Ward 9

Kevin Conwell

27 Notices

Sparkie Green, owner, proposes to establish use as a state licensed residential facility for five residents in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(b) which states that a residential facility, as defined above for one(1) to five (5) unrelated persons, is permitted in a One or Two Family Residential District provided it is located not less than one thousand (1,000) feet from another residential facility. Proposed residential facility is within 1,000 feet of an existing residential facility, Truly Care Adult Family Home, at 10403 South Blvd. (Filed July 11, 2019)

9:30

Calendar No. 19-178:

**3255 W. 58 ST.
Public Works Invoices**

**Ward 3
Kerry McCormack**

Robert Cisar, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer dated June 21, 2019 to uphold the City of Cleveland's Department of Public Works to issue invoices regarding abating nuisances (grass cutting) at the subject property. (Filed July 19, 2019).

9:30

Calendar No. 19-181:

18317 Windward Rd.

**Ward 8
Michael D. Polensek
13 Notices**

Jim and Lyn Tomaszewski, owner, proposes to erect a 10 x 14 one story frame rear kitchen addition to an existing single family residence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 357.09(b)(2)(B) of the Cleveland Codified Ordinances which states that the Minimum Required Interior Side Yard is 10 feet and the appellant is proposing 3.13 feet. (Filed July 22, 2019)

9:30

Calendar No. 19-182:

15400 Industrial Parkway

**Ward 16
Brian Kazy
13 Notices**

Industrial Parkway LLC., owner, proposes to erect a 10,590 square foot addition to existing production area in a B1 Semi-Industry District. The owner appeals for relief from the strict application of Section 357.07 which states that a 40 foot specific setback is required; the proposed parking spaces are within setback. (Filed July 22, 2019)

9:30

Calendar No. 19-183:

1932 E. 124 Place (Unit A)

**Ward 6
Blaine A. Griffin
15 Notices**

John Consolo, owner, proposes to erect a 3 story single family residence with an attached garage on a 4,336 square foot lot in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the Minimum Lot Area required is 4800 square feet and the appellant is proposing 4,336 square feet.
2. Section 357.08 (b)(3) which states that the Required Rear Yard is 10 feet and the appellant is proposing 7 feet.
3. Section 357.09 (b)(2)(A) No building shall be erected less than ten feet from a main building on an adjoining lot. The proposed distance to building is zero feet.
4. Section 357.09(b)(2)(C)(3) which states that the required Interior Side Yard is 3 feet; proposing 0.
5. Section 341.02 (b) which states that City Planning approval is required prior to the issuance of a building permit.(Filed July 22, 2019)

9:30

Calendar No. 19-184:

1932 E. 124 Place (Unit B)

Ward 6

Blaine A. Griffin

15 Notices

John Consolo, owner, proposes to erect a 3 story single family residence with an attached garage on a 4,336 square foot lot in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the Minimum Lot Area required is 4800 square feet and the appellant is proposing 4,002 square feet.
2. Section 357.08 (b)(3) which states that the Required Rear Yard is 10 feet and the appellant is proposing 7 feet.
3. Section 357.09 (b)(2)(A) No building shall be erected less than ten feet from a main building on an adjoining lot. The proposed distance to building is zero feet.
4. Section 357.09(b)(2)(C)(3) which states that the required Interior Side Yard is 3 feet; proposing 0.
5. 341.02 (b) City Planning approval is required prior to the issuance of a building permit.(Filed July 22, 2019)

9:30

Calendar No. 19-185:

5454 Broadway Ave.

Ward 5

Phyllis E. Cleveland

15 Notices

5454 Broadway LLC., owner, proposes to establish use an appliance store (new and used) in a C1 Local Retail Business District. The owner appeals for relief from the strict application of Section 349.04(f) of the Cleveland Codified Ordinances which states that five parking (5) spaces are required and none are proposed. (Filed July 23, 2019)

9:30

Calendar No. 19-187:

1666 West 69 Street

Ward 15

Matt Zone

8 Notices

Dean Sigon, owner, proposes to erect a rear addition, a 2 story front balcony, a second floor room addition and a third floor great room addition to existing condemned single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23 which states that all Parking spaces shall be placed on the rear half of lot, no parking space shall be within 10 feet of any wall that contains ground floor windows that provides ventilation.
2. Section 355.04(a) which states that the maximum Gross Floor Area shall not exceed 50 percent of lot size or in this case 1,139 square feet and the appellant is proposing 2,030 square feet.
3. Section 357.04 (a) which states that the required Front Yard Setback is 16.6 feet and the appellant is proposing 11 feet and 6 inches.
4. Section 357.08(b)(1) which states that the Required Rear Yard is 24 feet and the appellant is proposing 7 feet for dwelling and 3.1 feet for deck.

5. Section 357.09(2)(B) which states that the Required Interior Side yard is 3 feet and the appellant is proposing 2 feet rear, third floor, front additions . This section also states that the total width of both Side yards shall not be less than 6' and the appellant is proposing 4 feet; the minimum distance between main building on adjoining lots shall not be less than 6 feet and the appellant is proposing 3 feet
6. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed July 24, 2019)

9:30

Calendar No. 19-194: 6035 Brookside Drive

**Ward 13
Kevin J. Kelley
14 Notices**

Alex and Mary Margevicius, owner, proposes to erect a two story dining room and endless indoor pool with 1 story frame breezeway attached to existing detached garage and existing single family residence in an AA1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the Maximum Gross Floor Area shall not exceed 50 percent of the lot size or in this case 3,450 square feet and the appellant is proposing 4,587 square feet.
2. Section 357.08(b)(1) which states that the Required rear Yard is 21 feet and 8 inches where the appellant is proposing 8 inches.
3. Section 357.09 (b)(2) which states that the Required Interior Side Yard is 10.9 feet and the appellant is proposing 1 foot 10 inches. (Filed August 1, 2019)

POSTPONED FROM JULY 15, 2019

9:30

Calendar No. 19-140: 4103 Memphis Ave.

**Ward 13
Kevin Kelley
58 Notices**

City of Cleveland, owner, and Anthony Insana, lessee, propose to establish use as commercial winery and assembly use and add pole barn addition to existing agricultural use in a C1 Residence Office District. . The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.25 (d)(3) which states that no agricultural related products may be sold from the property of an agricultural use without approval of the Board of Zoning Appeals.
2. Section 337.10 which states that assembly use for the events, restaurant/food sales is not a permitted use in a Residence Office District, first permitted in a General Retail Business District, and only in that district when it is 500 feet from a residential district. Proposed use is in a abutting a residential district.
3. Section 349.04(e) which states that a total parking area equal to three times the gross floor area is required, gravel parking area equal to approximately 2 times the gross floor area is provided.

4. Section 337.18(b) which states that accessory off-street parking areas must be surfaced with concrete or asphalt. (Filed June 13, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW FOR TIME FOR FURTHER REVIEW.*

POSTPONED FROM JULY 15, 2019

9:30

Calendar No. 19-102:

1400 Brookpark Rd.

Ward 13

Kevin J. Kelley

7 Notices

Blue Stone 1400 LLC., owner, proposes to change use of machine shop to an auto dealership and repair shop in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that 25% of the gross lot area must be reserved for customer parking. No designated customer parking spaces are proposed.
2. Section 352.10 which states that a 6 foot wide landscape strip is required along Brookpark Rd., where parking abuts street and a 4 foot wide landscape where auto sales abuts public streets (Filed May 8, 2019-No Testimony). *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN FOR FURTHER REVIEW. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW FOR TIME FOR FURTHER REVIEW.*

POSTPONED FROM AUGUST 12, 2019

9:30

Calendar No. 19-169:

1372 W. 58 Street

Ward 15

Matt Zone

Jennifer Koperdak & Dereck Boehm, owners, proposes to erect a 19' x 56' two story single family residence with a detached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that an accessory garage shall not be less than 10' from a main building on an adjacent lot; the appellant is proposing 4.5 feet.
2. Section 337.23(a) which states that an accessory garage shall be a minimum of 18 inches from all property lines and the appellant is proposing 6inches for the roof eaves and 18 inches for the garage walls.
3. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of lot size 1,620 square feet the appellant is proposing 2,794 square feet.
4. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10' from main building on adjoining lot; the appellant is proposing 7' and 9'-9".
5. Section 357.08(b)(1) which states that the required rear yard is 26 feet and the appellant is proposing 25.4 feet.
6. Section 357.09(b)(2)(B) which states that the required Interior Side Yard is 6.5' and the appellant is proposing 2'.
7. Section 357.09(b)(4) which states that open front porches shall not be less than 10' from property line; the appellant is proposing 4.6'. This section also states that an open balcony shall not project more than 3'; proposing 6'
8. Section 341.02 (b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed July 10, 2019) POSTPONED FROM AUGUST 12, 2019 TO ALLOW TIME FOR NEW VARIANCES TO BE POSTED IN PUBLIC RECORD. UNDERLINED TEXT ABOVE IS "NEW" INFORMATION.